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No. 84-1559

IN THE

Supreme Court

OF THE

United States

OCTOBER TERM, 1984

UNITED VAN LINES, INC.,
Petitioner

vs.

JAMES K.T. HUNTER and
GINA F. BRANDT,
Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

SUPPLEMENTAL BRIEF ON PETITION FOR WRIT OF CERTIORARI

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United's petition was filed on March 29, 1985. On April 16, 1985, this Court decided *Allis-Chalmers Corporation v. Roderick S. Loueck* (No. 83-1748). It seems obvious that *Allis-Chalmers* compels reversal of the Ninth Circuit in the case at bar.

In *"Hunter II"*, the Ninth Circuit used the rationale of independent state bad faith tort theory to justify its conclusion that the Hunter case did not arise under 28 U.S.C. 1337 and also to reject federal preemption. This rationale resulted in the Ninth Circuit determining that a $5,000,000

so-called "state" claim against United for the alleged bad faith claims adjusting did not arise under an act of Congress regulating commerce within the meaning of 28 U.S.C. 1337. The Ninth Circuit decision appealed from here clearly contradicts this Court's decision in *Allis-Chalmers*, and *Hunter II* should accordingly be reversed.

Respectfully submitted,

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